

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DESIRAE ALLEN,

Plaintiff,  
v. Case No. 15-12517

COMMISSIONER OF SOCIAL HON. TERRENCE G. BERG  
SECURITY, HON. R. STEVEN WHALEN

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 16)**

This matter is before the Court on Magistrate Judge R. Steven Whalen's October 21, 2015 Report and Recommendation (Dkt. 16), recommending that Defendant's motion to dismiss (Dkt. 14) be granted, based on Plaintiff's failure to commence this action within 60 days of the final decision of the Commissioner of Social Security denying her claim for benefits.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will,

therefore, accept Magistrate Judge Whalen's Report and Recommendation as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Whalen's Report and Recommendation of October 21, 2015 (Dkt. 16) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendant's motion to dismiss (Dkt. 14) is **GRANTED** and, consequently, that this matter is **DISMISSED WITH PREJUDICE**.

**SO ORDERED.**

Dated: November 17, 2015

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

**Certificate of Service**

I hereby certify that this Order was electronically submitted on November 17, 2015, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb  
Case Manager